

Serial No. 08/645,073
Group Art Unit: 2766
Examiner: Gregory, G

generates present time data indicating a present time;
compares the period with the present time; and
transforms a result of said comparison to data reflecting that a user is allowed to utilize the
content, when the present time falls within the period; and
serves the content when said comparing step determines that said present time falls within
said period.

EO 19. (NEW) A method for ascertaining a sales period exists, said method comprising:
reading a period stored on a medium indicating a period of time;
generating present time data indicating a present time;
comparing the period stored on the medium with the present time to judge whether said
present time falls within the period; and
serving content to a storage medium when said comparing determines that said present
time falls within said period.

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully
requested.

I. STATUS OF THE CLAIMS

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Claims 1-8 are allowed. However, these allowed claims are amended herein to eliminate means-plus function language.

Claims 1-13 and 15 have been amended.

New claims 16-19 have been added.

In view of the above, it is respectfully submitted that claims 16-19 are currently pending.

II. REJECTION OF CLAIMS 9-15 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY WILLIAM, U.S. PATENT NO. 4,470,890 (Hereinafter William)

Claims 9-15 are rejected under 35 U.S.C. § 102(b) as being anticipated by William. The Examiner's rejections are traversed below.

Claim 9

Claim 9 recites that the present invention includes a storage device "which contains a period concerning the content." The substance of this claim is a storage device which stores period data for its content **along with** a program which "compares the period with the present time." Such a system is beneficial in that in one embodiment, it can only allow access to the contents of the storage device during the period of time specified on the same storage device.

On page 2 of the Action, the Examiner rejected claim 9 stating that "William shows software residing on a computer readable medium with a usage count that is kept on the computer readable medium itself. The usage count is a crude way of measuring a period." The applicant disagrees that William discloses claim 9 for a number of reasons. First, keeping a usage count as in William is a **completely different** invention than storing period data which is compared with

the present time. William simply counts the number of uses of a program before it is disabled.

The Examiner uses the word "**crude**" to describe the usage count system in Williams as measuring a period as in the rejected claims, which means he himself does not see a strong correlation. Counting the number of uses is completely different from using a period to compare the present time to. This is important in that the distributor may desire the content to be accessed only during a specific period, which could not be accomplished by the system as disclosed in William. The words "trial period" in the abstract of William refer to a trial by use of the usage count disclosed therein, but not by "period data" as claimed in claim 9. William does not disclose the elements of claim 9 at all, including a program which "generates present time data indicating a present time," "compares the period with the present time," and "judges that the present time data falls within said period or falls without said period." Where are these elements disclosed in William?

In addition, William discloses storing **software** and controlling access to the **software**. Claim 9 refers to "content" which according to page 5 of the specification is not limited to software but can include "musical data, video data of a movie, etc.....in analog form and in digital form." Thus besides being applicable to "shareware" software as is the purpose of William, the present invention applies for controlling access to all kinds of data in addition to software.

The rejection based on William does not teach all the features recited in claim 9. It is axiomatic that to anticipate a reference, the prior art must teach or suggest every feature of the

claim under consideration. This is not the case for claim 9, and it is submitted that the rejection is improper and should be withdrawn.

Claims 10, 12 and 15

The above arguments regarding claim 9 also apply to claims 10, 12 and 15 as well. For the same reasons, the rejection of these claims should be withdrawn as well.

Claim 13

The above arguments regarding claim 9 also apply to claim 13. In addition, claim 13 also recites, "a clock for indicating a present time," "a comparator which determines if the present time falls within the period," and "a server which serves the content on the content medium when the comparator determines that the present time falls within the period." William does not include a clock which indicates the present time, a comparator which works with the clock, and a server which serves upon a determination from the comparator. William does not even have anything to do with the present time. It is submitted that the rejection of claim 13 should be withdrawn.

Claim 14

The above arguments regarding claim 9 and its novel feature of having a "period" applies to this claim as well.

In addition, claim 14 recites a "center which provides a key to unlock the locked content when a present time falls within the period." Nothing in William discloses a **center** of any kind. One example of the benefit of having a center is that it provides a way to circumvent hackers from unlocking the content because they would not have the key provided by the center. Where is a

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center disclosed in William? It is submitted to the Examiner that the rejection of claim 14 is in error and should be withdrawn.

Claim 11

Claim 11 is a dependent claim which depends from claim 9 and is patentable over the prior art for the reasons discussed above. In addition, claim 11 recites additional features not taught or suggested by the prior art. It is submitted that claim 11 is independently patentable over the prior art.

Claim 11 recites that, "the period is written as single terminal data indicating the starting or ending of the time interval." This feature is clearly not taught in William for William does not even refer to a period. Thus, data can be accessed up until an ending time interval, or can have unlimited access after a certain starting time interval. The benefit of this claim is that it allows the owner of the content to designate more flexible access. A period as recited in claim 11 is not disclosed by William, and it is submitted that the rejection should be withdrawn.

III. REJECTION OF CLAIMS 9-15 UNDER 35 U.S.C. § 102(b) AS BEING ANTICIPATED BY GRANTZ, U.S. PATENT NO. 5,564,038 (Hereinafter Grantz)

Claim 9

Claim 9 recites that the present invention includes a storage device "which contains a period concerning the content." The substance of this claim is a storage device which stores period data for its content **along with** a program which "compares the period with the present

time." Such a system is beneficial in that in one embodiment, it can only allow access to the contents of the storage device during the period of time specified on the same storage device.

Page 2 of the Action rejects claim 9 under Grantz. Grantz keeps track of the elapsed time that the software product has been used and disables the software after it has been used for a predetermined period of time. However, nowhere in Grantz is disclosed a "period concerning the content," and a program which "reads the period," "generates present time data," "compares the period with the present time," and "judges that the present time data falls within said period of falls without said period." The present invention as claimed in claim 9 is beneficial over Grantz in that in the present invention, the content of the storage media may not be current or applicable before or after a certain date, whereas in Grantz the present date is not taken into consideration. In Grantz, an old version of software would still be running, while in the present invention a version of software could be required to have an update after a certain date. Also the system in Grantz is undesirable in that the elapsed period of time may expire while the user critically needs access to the data stored on the medium. In the present invention, the user may know the exact dates that he will be allowed access.

In addition, Grantz discloses storing **software** and controlling access to the **software**. Claim 9 refers to "content" which according to page 5 of the specification is not limited to software but can include "musical data, video data of a movie, etc.....in analog form and in digital form." Thus besides being applicable to "shareware" software as is the purpose of Grantz, the present invention applies for controlling access to all kinds of data in addition to software.

The rejection based on Grantz does not teach all the features recited in claim 9. It is axiomatic that to anticipate a reference, the prior art must teach or suggest every feature of the claim under consideration. This is not the case for claim 9, and it is submitted that the rejection is improper and should be withdrawn.

Claims 10, 12 and 15

The above arguments regarding claim 9 also apply to claims 10, 12 and 15 as well. For the same reasons, the rejection of these claims should be withdrawn as well.

Claim 13

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Claim 14

The above arguments regarding claim 9 and its novel feature of having a "period" applies to this claim as well.

In addition, claim 14 recites a "center which provides a key to unlock the locked content when a present time falls within the period." Nothing in Grantz discloses a **center** of any kind.

One example of the benefit of having a center is that it provides a way to circumvent hackers from unlocking the content because they would not have the key provided by the center. Where is a center disclosed in Grantz? It is submitted to the Examiner that the rejection of claim 14 is in error and should be withdrawn.

Claim 11

Claim 11 is a dependent claim which depends from claim 9 and is patentable over the prior art for the reasons discussed above. In addition, claim 11 recites additional features not taught or suggested by the prior art. It is submitted that claim 11 is independently patentable over the prior art.

Claim 11 recites that, "the period is written as single terminal data indicating the starting or ending of the time interval." This feature is clearly not taught in Grantz for Grantz does not even refer to a period. Thus, data can be accessed up until an ending time interval, or can have unlimited access after a certain starting time interval. The benefit of this claim is that it allows the owner of the content to designate more flexible access. A period as recited in claim 11 is not disclosed by Gertz, and it is submitted that the rejection should be withdrawn.

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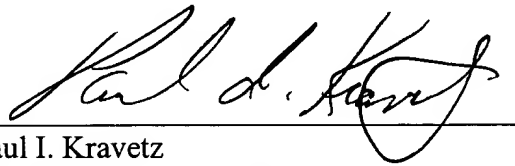
IV. CONCLUSION

In view of the above, it is respectfully submitted that the above-referenced application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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